

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RONALD RAY MCCALL,

Plaintiff,

vs.

UNCLE SAM'S MARINES,

Defendant.

CASE NO. 11-CV-57-LAB-NLS

ORDER DISMISSING CASE

Mr. McCall has sued Uncle Sam's Marines "FOR MY Medica [sic] Rights under The GI Bill 1970" Now pending is his Motion to Proceed IFP.

I. IFP Motion

All parties instituting a civil action in a district court of the United States, except for habeas petitioners, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). A party is excused from paying the fee, however, if the Court grants leave to proceed IFP pursuant to 28 U.S.C. 1915(a). Mr. McCall has submitted an IFP application that sufficiently, even if incompletely, demonstrates his inability to pay the \$350 filing fee. It is unclear whether Mr. McCall is currently incarcerated, but he claims he is employed for no pay and has no income, assets, or savings of any kind. His Motion to Proceed *In Forma Pauperis* is therefore **GRANTED**.

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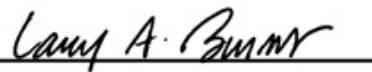
1 **II. Initial Screening**

2 Pursuant to 28 U.S.C. § 1915(e), the Court must screen each civil action commenced
3 pursuant to 28 U.S.C. § 1915(a) and dismiss the action if the Court finds it is frivolous or
4 malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief
5 from an immune defendant. 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 45
6 (9th Cir. 2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”);
7 *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc) (28 U.S.C. § 1915(e) “not
8 only permits but requires” the court to sua sponte dismiss an IFP complaint that fails to state
9 a claim).

10 The Court finds that Mr. McCall’s complaint is frivolous and fails to state a claim upon
11 which relief can be granted. It contains no factual allegations that make clear who Mr.
12 McCall is, what kind of party Uncle Sam’s Marines is, and what it is that Mr. McCall wants.
13 Instead, his complaint consists of a single, incomplete sentence. The charitable
14 interpretation is that Mr. McCall is a veteran and seeks medical benefits, but he doesn’t
15 allege adequate facts to lend substance to that interpretation. This case is **DISMISSED**
16 **WITHOUT PREJUDICE.**

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18 **IT IS SO ORDERED.**

19 DATED: March 23, 2012

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21 **HONORABLE LARRY ALAN BURNS**
22 United States District Judge
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